

REMARKS

In response to the Office Action dated December 8, 2003, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance. Applicants also wish to thank the Examiner for the courtesies extended during the telephone interview of January 23, 2004.

In the Office Action, claims 1, 2, 5-8 and 27 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,021,181 to Miner et al. Claims 3, 4 and 10 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 6,021,181 to Miner et al. in view of U.S. Patent 6,385,303 to Peterson et al. Claims 13-16 were rejected over U.S. Patent 6,021,181 to Miner et al. in view of U.S. Patent 5,479,489 to O'Brien. For the reasons set forth hereinbelow, Applicants respectfully request that the rejections associated with the pending claims (i.e. claims 1-8, 10, 13-16 and 27) be withdrawn.

Claims 1-2, 5-8 and 27

Applicants have amended claim 1 to clarify that, "wherein the identifying comprises the steps of: generating a first voice sample of the caller's voice when the caller speaks the name of the callee; and comparing the first voice sample to a second voice sample."

Applicants submit that claim 1 is nonobvious over Miner because Miner fails to teach or suggest each and every element of claim 1. *See MPEP § 2143* (stating that one of the elements of a *prima facie* case of obviousness under § 103(a) is that the cited references must teach or suggest every limitation of the claimed invention). More specifically, Applicants submit that Miner does not teach or suggest, "identifying the caller by analyzing the voice of the caller received when the caller speaks the name of the callee, wherein the identifying comprises the steps of: generating a first voice

sample of the caller's voice when the caller speaks the name of the callee; and comparing the first voice sample to a second voice sample," as recited in claim 1. In fact, Applicants submit that Miner is **silent** as to the method by which it performs voice recognition.

Applicants further submit that claim 1 is nonobvious over Miner because there is no suggestion or motivation from the prior art as a whole for a person of ordinary skill to have modified Miner to realize the invention recited in claim 1. See MPEP § 2143 (stating that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings).

Miner discloses an electronic voice mail message system that a caller accesses by speaking a "special word" or command (wildfire). (*See* Miner at col. 11, ln. 36-42). The system then analyzes the voice of the caller speaking the special word or command to determine if the caller is a subscriber to the system, and thereby entitled to access. (*See, id.*) In the system of Miner, non-subscribers as well as subscribers may leave messages for subscribers. (*See* Miner at col. 11, ln. 42-49). Therefore, if a caller merely wishes to leave a message for a subscriber, there is no reason, in the system of Miner, to perform voice recognition on the caller. The only reason that Miner performs voice recognition is to identify subscribers to the system and give the subscribers access to "subscriber functionality." (*See* Miner at col. 11, ln. 57-65). Miner does not teach or suggest a need for subscribers to state the name of a human callee to identify him or herself to the system. Thus, Applicants submit that there is no suggestion or motivation to modify Miner to, identify the caller by analyzing the voice of the caller received when the caller speaks the name of the callee (wherein the callee is a person), as recited in claim 1.

Therefore, for the reasons stated hereinabove, Applicants submit that claim 1 is nonobvious over Miner. Applicants further submit that claims 2, 5-8 and 27, which depend from claim 1, are also

nonobvious over Miner. *See MPEP §2143.03* (stating that if an independent claim is nonobvious under §103(a), then any claim depending therefrom is nonobvious). Accordingly, Applicants respectfully request that the §103 rejections associated with claims 1-2, 5-8 and 27 be withdrawn.

Claims 3-4 and 10

Claims 3-4 and 10 depend from claim 1. Applicants submit that independent claim 1 is nonobvious over Miner in view of Peterson because the cited references, either alone or in combination, fail to teach or suggest each and every element of claim 1. *See MPEP § 2143*. More particularly, Applicants submit that the cited references, either alone or in combination, fail to teach or suggest, among other things, “identifying the caller by analyzing the voice of the caller received when the caller speaks the name of the callee, wherein the identifying comprises the steps of: generating a first voice sample of the caller’s voice when the caller speaks the name of the callee; and comparing the first voice sample to a second voice sample,” as recited in claim 1.

As explained previously hereinabove, Miner fails to teach or suggest these features. Applicants also submit that Peterson fails to teach or suggest these features. Indeed, the Office Action does not even rely on Peterson as teaching or suggesting these features. Rather, the Office Action cites Peterson as teaching ways of routing calls. Even if taken as true, Applicants submit that Peterson fails to remedy the defects of Miner with respect to claim 1.

Therefore, Applicants submit that claim 1 is nonobvious over the combination of Peterson and Minor. *See MPEP § 2143*. Applicants further submit that claims 3-4 and 10, which depend from claim 1, are also nonobvious over the combination of Peterson and Minor. *See MPEP § 2143.03*. Accordingly, Applicants respectfully request that the §103(a) rejections associated with claims 3-4 and 10 be withdrawn.

Claims 13-16

Claims 13-16 depend from claim 1. Applicants submit that independent claim 1 is nonobvious over Miner and O'Brien because the cited references, either alone or in combination, fail to teach or suggest each and every element of claim 1. *See MPEP § 2143.* More particularly, Applicants submit that the cited references, either alone or in combination, fail to teach or suggest, among other things, "identifying the caller by analyzing the voice of the caller received when the caller speaks the name of the callee, wherein the identifying comprises the steps of: generating a first voice sample of the caller's voice when the caller speaks the name of the callee; and comparing the first voice sample to a second voice sample," as recited in claim 1.

As explained previously hereinabove, Minor fails to teach or suggest these features. Applicants also submit that O'Brien fails to teach or suggest these features. Indeed, the Office Action does not even rely on O'Brien as teaching or suggesting these features. Rather, the Office Action cites O'Brien as teaching a database containing digital text files. Even if taken as true, Applicants submit that O'Brien fails to remedy the defects of Miner with respect to claim 1.

Therefore, Applicants submit that claim 1 is nonobvious over the combination of Miner and O'Brien. *See MPEP § 2143.* Applicants further submit that claims 13-16, which depend from claim 1, are also nonobvious over the combination of Miner and O'Brien. *See MPEP § 2143.* Accordingly, Applicants respectfully request that the §103(a) rejections associated with claims 13-16 be withdrawn.

Applicants are not otherwise conceding, however, the correctness of the Office's rejection with respect to any of the dependent claims discussed above and hereby reserve the right to make additional arguments as may be necessary because the dependent claims include additional features

that further distinguish the claims from the cited references, taken alone or in combination. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

CONCLUSION

Applicants respectfully request a Notice Of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,



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